

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHTU #0415/01 1741549  
ZNY SSSSS ZZH  
O 231549Z JUN 09  
FM AMEMBASSY TUNIS  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6474  
RUEAWJA/DEPARTMENT OF JUSTICE WASHDC IMMEDIATE  
RUEKJCS/SECDEF WASHINGTON DC IMMEDIATE  
INFO RUCNMGH/MAGHREB COLLECTIVE IMMEDIATE  
RUEHRL/AMEMBASSY BERLIN IMMEDIATE 0186  
RUEHMD/AMEMBASSY MADRID IMMEDIATE 0546  
RUEHRO/AMEMBASSY ROME IMMEDIATE 0804

S E C R E T TUNIS 000415

NOFORN  
SIPDIS

STATE:NEA/MAG (SWILLIAMS, MNARDI, MHAYES)  
ALSO FOR DRL:KMCGEENEY, S/WIC:ARICCI  
PASS DOD/OSD:ALIOTTA, DOJ/ODAG:MSTRANSKY

E.O. 12958: DECL: 06/23/2019  
TAGS: [PHUM](#) [PREL](#) [KDRG](#) [PTER](#) [TS](#)  
SUBJECT: GOT ASKS EUROPEANS NOT TO TAKE TUNISIAN GUANTANAMO  
DETAINEES

REF: A. TUNIS 407  
[1](#)B. TUNIS 339  
[1](#)C. TUNIS 32  
[1](#)D. 08 TUNIS 1137 AND PREVIOUS

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

-----  
SUMMARY  
-----

[1](#)1. (S/NF) A senior MFA official convoked the German, Italian and Spanish Chiefs of Mission June 19 to inform them the GOT wants the Tunisian detainees in Guantanamo Camp returned home. According to the European COMs, the implicit message was that their governments should not accept the US request to take Tunisian detainees. The COMs have informed their capitals, but have no response yet. In a meeting June 22, a small group of Ambassadors (including the German and Italian COMs) discussed the MFA demarches. Among the Ambassadors, views differed on the risks to Tunisian prisoners, but some said there is a possibility of torture or mistreatment for anyone accused of terrorism. End Summary.

-----  
EUROPEANS DEMARCHED  
-----

[1](#)2. (S) Following FM Abdallah's meeting on Guantanamo detainees with Ambassador Godec on June 18 (Ref A), the MFA convoked German Ambassador Horst-Wolfram Kerll, Italian Ambassador Antonio D'Andria and Spanish Charge Santiago Miralles Huete to separate meetings on June 19.

[1](#)3. (S) In the meetings, MFA Secretary of State for Maghreb, Arab and African Affairs Abdelhafidh Hergeum delivered a demarche similar to that given to Ambassador Godec, specifically:  
-- Tunisia wants its citizens in Guantanamo returned,  
-- Tunisia does not torture and has signed the Convention Against Torture,  
-- Tunisia's image would suffer if the detainees were sent to other countries.  
The implicit message from Hergeum, according to the European COMs, was that their countries should not agree to the US request to accept Tunisian detainees. The three officials have informed their capitals but have no response. According to the German Ambassador, the Tunisian Ambassador in Berlin has delivered the same demarche to the German MFA.

-----  
AMBASSADORS' MEETING  
-----

¶4. (S) On June 22, Ambassador discussed the GOT demarche with Ambassador Kerll, Ambassador D'Andria, UK Ambassador Chris O'Connor, French Ambassador Serge Degallaix, and Canadian Ambassador Bruno Picard. Ambassador Godec reviewed the Foreign Minister's demarche with the German and Italian Ambassadors then detailing the demarches they had received.

¶5. (S/NF) The Canadian Ambassador noted the GOT has offered, as evidence that it does not torture, the case of Imam Said Jaziri who was repatriated from Canada to Tunisia despite allegations that he would be mistreated. The Canadian Ambassador said the comparison between Jaziri and the Guantanamo detainees is "crap", explaining that Jaziri was a petty criminal and not accused of terrorism. The Canadian government reviewed Jaziri's case carefully and decided he could be transferred since he did have links with terrorism. The Canadian decision, Picard suggested, might well have been otherwise if Jaziri had been accused of terrorism.

¶6. (S/NF) The Italian Ambassador said Italy had had few problems with individuals they had transferred to Tunisia. The Italians have been in contact with their families and lawyers and have not heard any serious complaints. Why, he asked, would the GOT want to mistreat or torture transferred Guantanamo detainees?

¶7. (S/NF) Ambassador Godec noted that there are credible reports of one of the first two transferees being mistreated, including information from the lawyer, the family and statements in open court. Moreover, there are credible reports of Ministry of Interior officials mistreating detainees and prisoners in other cases. He added that contrary to GOT claims, the ICRC cannot visit all Tunisian prisons as it does not have access to non-notified MOI facilities. The UK Ambassador opined that the GOT uses torture as a form of punishment.

¶8. (S/NF) The Canadian Ambassador said the GOT's statements that it does not torture are "bullshit." The Canadian Ambassador (protect) said he had direct, first hand evidence of torture/mistreatment of a prisoner that lasted several months. The Canadian and German Ambassadors agreed that anyone in Tunisian prisons on terrorism charges is at risk of mistreatment or torture.

¶9. (S/NF) The Ambassadors concluded the discussion with several noting that Tunisian diplomatic assurances regarding appropriate treatment of prisoners is of value, but that a follow-up mechanism is required to ensure commitments are kept.

-----  
COMMENT  
-----

¶10. (S/NF) The GOT clearly and strongly wants the Tunisian detainees in Guantanamo returned home. As we suggested in Ref A, Washington agencies may wish to consider whether to offer to return the Tunisian detainees if the GOT agrees to permit US access to the first two transferees and ongoing access to any future transferees. Such an understanding would need to include a mechanism to address the problems that may arise. While there is no absolute guarantee against mistreatment, such an understanding would provide transferees additional protection. Whether the GOT would accept such an arrangement is another matter. We are not optimistic, but it is worth considering. If Washington decides to continue with efforts to transfer the Tunisian detainees to third countries, we need to officially inform the GOT at a high-level and soon.  
Godec